

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

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SIG SAUER Inc. )  
Plaintiff, )  
v. ) Civil Action No. 1:14-cv-00147-PB  
B. TODD JONES )  
Director, )  
Bureau of Alcohol, Tobacco, Firearms )  
and Explosives )  
Defendant. )  
\_\_\_\_\_  
)

**ORDER**

The Court has considered the Parties' Joint Motion for Approval of Proposed Order to Stay Litigation Pending Reconsideration by the Defendant of Plaintiff's Application. The Court approves the Stay as set forth in the Motion, with the following stipulations:

1. The Court stays the litigation for a period of ninety (93) calendar days until September 17, 2014.
2. On or before fourteen (14) calendar days from the date the court grants this motion and approves the accompanying order, Sig Sauer will submit to ATF a muzzle device sample, authenticating information concerning the sample, and any additional documents or information (beyond that previously submitted), for inclusion in the administrative record as part of ATF's review upon reconsideration. ATF agrees that Sig Sauer may manufacture the muzzle device sample, if necessary, and send it via overnight mail, without further regulatory process or approval by the ATF, to: Earl Griffith, Chief, Firearms Technology Branch, Bureau of Alcohol, Tobacco, Firearms and Explosives, 244 Needy Road, Martinsburg, WV 25405.

3. On or before August 6, 2014, ATF will issue and provide to Sig Sauer a revised decision regarding the classification request of Sig Sauer's muzzle device.

4. If Sig Sauer disputes all or part of the new decision on reconsideration, Sig Sauer may file, in its sole discretion, a "Request for Reconsideration," including additional information and documentation for consideration, within fourteen (14) calendar days of the decision, or in its discretion may proceed with this court case, as set forth below. If Sig Sauer submits a Request for Reconsideration, ATF will have fourteen (14) calendar days to provide a written response to Sig Sauer's request.

5. If Sig Sauer determines not to appeal the new decision provided by ATF, Sig Sauer will notify the agency and the parties voluntarily will submit a Fed. R. Civ. P. 41 stipulation of dismissal within thirty (30) calendar days of the decision.

6. If Sig Sauer does not file a "Request for Reconsideration" or, in the alternative, disputes the response by ATF to its "Request for Reconsideration," Sig Sauer will have fourteen (14) calendar days to submit an amended complaint to this Court.

7. ATF will have fourteen (14) calendar days following the submission of Sig Sauer's amended complaint to file its answer with the Court. At this time, ATF also shall file the administrative record for this case with the Court. The parties agree that the administrative record will consist of: Exhibits A-D of the complaint; any product sample and additional information Sig Sauer provides on reconsideration; any ATF documents, electronic or otherwise, that were reviewed, generated, or relied upon in rendering its decision in connection with Sig Sauer's classification request; any ATF guidance, policies, or standard operating procedures applicable to the classification request; and such other documents or information as the parties may agree.

8. Following the submission of ATF's answer and the administrative record, the case will be placed on the administrative track pursuant to LR 40.1. The parties will also request a conference with the Court to confer about the course of the case.

Date: \_\_\_\_\_

SO ORDERED: \_\_\_\_\_

Paul J. Barbadoro,  
United States District Judge